

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and the label failed to bear a statement that the article fell below such standard; and, Section 403 (h) (2), the article fell below the standard of fill of container for canned tomatoes since the container of the article was filled to less than 90 percent of the total capacity of the container, the minimum permitted by such standard, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: October 19, 1951. The Salem Packing Co. having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18790. Adulteration of tomato juice. U. S. v. 43 Cases * * *. (F. D. C. No. 30959. Sample No. 30177-L.)

LIBEL FILED: On or about July 19, 1951, District of Montana.

ALLEGED SHIPMENT: On or about March 29, 1951, by the Naas Corp. of Indiana, from Portland, Ind.

PRODUCT: 43 cases, each containing 48 5 $\frac{3}{4}$ -ounce cans, of tomato juice at Billings, Mont.

LABEL, IN PART: "Pep-To Brand Pure Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 30, 1952. Default decree of condemnation. The court ordered that the product be denatured and delivered to a State institution, for use as animal feed.

18791. Adulteration of tomato puree. U. S. v. 19 Cases * * *. (F. D. C. No. 32332. Sample No. 26097-L.)

LIBEL FILED: January 4, 1952, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 2, 1951, by R. S. Watson & Son, from Greenwich, N. J.

PRODUCT: 19 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Wilkes-Barre, Pa.

LABEL, IN PART: (Can) "Greenwich Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 4, 1952. Default decree of condemnation and destruction.

NUTS

18792. Adulteration of shelled almonds. U. S. v. 60 Pounds * * *. (F. D. C. No. 32263. Sample No. 16557-L.)

LIBEL FILED: December 4, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about September 19, 1951, from San Francisco, Calif.

PRODUCT: 60 pounds of shelled almonds in 3 cans at Kansas City, Kans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 20, 1952. Default decree of condemnation and destruction.

18793. Adulteration of cashew nuts. U. S. v. 150 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 31517, 31819, 31824. Sample Nos. 27062-L, 27064-L, 27070-L, 27374-L to 27376-L, incl., 27379-L.)

LIBELS FILED: September 14, 19, and 26, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about August 4 and 18, 1951, by the Aristocrat Nut Co., from New York, N. Y.

PRODUCT: 486 cases, each containing 2 25-pound cans, of cashew nuts at San Francisco, Calif., and 50 cases, each containing 2 25-pound cans, of the product at Oakland, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 2 and 18, 1951. The Aristocrat Nut Co., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the court ordered that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The cases were opened at San Francisco, and the nuts were fumigated and examined. Thirty-four cans of nuts were found in such poor condition that they were destroyed.

On or about November 29, 1951, pursuant to stipulation entered into between the Government and the claimant, the court entered orders modifying the decrees to permit shipment of the nuts to New York, N. Y., for salvage, and extending the time for performance. The product was salvaged by brushing and blowing, resulting in the elimination and destruction of 350 pounds of reject material.

18794. Adulteration of unshelled peanuts. U. S. v. 21 Bags * * *. (F. D. C. No. 32838. Sample No. 48598-L.)

LIBEL FILED: March 3, 1952, District of North Dakota.

ALLEGED SHIPMENT: On or about December 27, 1951, from Moorhead, Minn.

PRODUCT: 21 100-pound bags of unshelled peanuts at Fargo, N. Dak., in possession of the Nash-Finch Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 22, 1952. Default decree of condemnation and destruction.

OLEOMARGARINE

18795. Adulteration and misbranding of oleomargarine. U. S. v. 148 Cases * * *. (F. D. C. No. 32973. Sample No. 6424-L.)

LIBEL FILED: March 21, 1952, District of Connecticut.